

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH PAUL BIRD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47945

FILED

OCT 30 2006

ORDER DISMISSING APPEAL

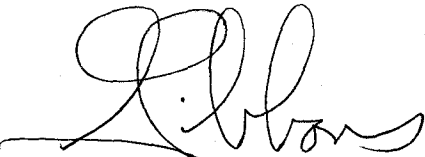
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK


This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


It was not clear from the documents before this court whether the district court had rendered any decision on appellant's habeas corpus petition, oral or written, at the time appellant filed his notice of appeal. Thus, this court directed the State to file a response informing this court of the status of the post-conviction proceedings below. The State has informed this court that no decision has been made on the petition and the petition remains pending in the district court. Accordingly, because the district court had not made any decision on the petition at the time the

notice of appeal was filed, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Keith Paul Bird
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk